

O'TOOLE SCRIVO

A LIMITED LIABILITY COMPANY

JAMES DIGIULIO

jdigiulio@oslaw.com

January 29, 2025

Via CM/ECF

Hon. Andre M. Espinosa, U.S.M.J.
United States District Court, District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Courtroom MLK 2D
Newark, New Jersey 07101

Re: *New Wallington Home, LLC, et al. v. Borough of Wallington, et al.*
Civil Case No.: 20-08178 (CCC) (AME)

Dear Judge Espinosa:

This firm represents Plaintiffs in this matter. Pursuant to Federal Rule 45, Plaintiffs issued a subpoena to non-party Witold “Vic” Baginski. [Subpoena attached as Exhibit A.] Mr. Baginski was served on September 17, 2024. [Affidavit of Service attached as Exhibit B.]

Mr. Baginski acknowledged receipt of the subpoena and was initially responsive to the undersigned regarding the scheduling of his deposition. However, upon learning that the Defendant, Borough of Wallington, did not intend to provide representation to him during his deposition, he has since become non-responsive.

Plaintiffs believe Mr. Baginski’s testimony will be relevant to the underlying litigation as Mr. Baginski served as the Borough Clerk during the relevant period. Plaintiffs’ respectfully request leave to file a motion seeking to enforce the subpoena. The requested motion will not further delay any discovery and such compelled deposition can occur during expert discovery.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ James DiGiulio
James DiGiulio

cc: All Counsel of Record (via ECF)